

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

KLAMATH-SISKIYOU WILDLANDS
CENTER, *et al.*,

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT,

Defendant,

and

AMERICAN FOREST RESOURCE
COUNCIL;
ASSOCIATION OF O&C COUNTIES,

Intervenor-Defendants.

Case No. 1:23-cv-00519–CL

The Honorable Magistrate Judge Mark D.
Clarke

Joint Case Management Schedule

Pursuant to this Court’s July 14, 2023, Minute Order, Plaintiffs Klamath-Siskiyou Wildlands Center, *et al.*, Defendant Bureau of Land Management, and Intervenor-Defendants American Forest Resource Council and Association of O&C Counties file this joint motion asking the Court to adopt the case schedule set out below. The Parties respectfully submit this schedule for the Court’s review at the Rule 16 conference scheduled for August 14, 2023.

Plaintiffs bring claims under the Administrative Procedure Act (“APA”). ECF No. 1.

The Parties agree that the merits of Plaintiffs’ claims are governed by the judicial review provisions of the APA, 5 U.S.C. § 706, and this case is therefore exempt from Fed. R. Civ. P. 16(b), and from discovery under Fed. R. Civ. P. 26. In lieu of discovery, judicial review is properly based on the administrative record set before the agency. 5 U.S.C. § 706. The Parties further agree that under the APA the case is appropriately resolved on summary judgment without need for trial.

The parties have conferred and now jointly move the Court to issue an order setting the following schedule and plan for the resolution of this case.

September 29, 2023	Defendant Lodges Administrative Record via USB drive under LR5-2(f)(2)(B), and serve an electronic copy to counsel of record for Plaintiffs and Intervenor-Defendants. Parties will confer informally prior to this date on the contents of the record.
October 13, 2023	Plaintiffs’ Deadline to Raise or File Record Disputes. After the Sept 29 filing, the parties will meet and confer to discuss the scope of the Administrative Record, with the hope of obviating the need for any briefing regarding the record.
October 27, 2023	Defendant’s Deadline to File Supplemental Record, if any
November 17, 2023	Plaintiffs’ Opening Summary Judgment Brief
January 12, 2024	Defendant’s Cross-Motion for Summary Judgment
January 19, 2024	Intervenor-Defendants’ Cross-Motion for Summary Judgment
February 16, 2024	Plaintiffs’ Summary Judgment Response
March 13, 2024	Defendant’s Summary Judgment Reply
March 13, 2024	Intervenor-Defendants’ Summary Judgment Reply

The parties respectfully request oral argument be set in March 2024 or as soon thereafter as the court’s schedule permits.

Respectfully submitted this 13th day of August, 2023.

/s/

Meriel L. Darzen (OSB # 113645)
Crag Law Center
3141 E. Burnside St.
Portland, OR 97214
503-525-2725
Email: meriel@crag.org

/s/

Nicholas S. Cady (OSB # 113463)
Cascadia Wildlands
P.O. Box 10455
Eugene, Oregon 97440
Tel: 541-434-1463
Email: nick@cascwild.org

Counsel for Plaintiffs

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

/s/ Alexis G. Romero (with permission)
ALEXIS G. ROMERO (D.C. Bar No. 90006907)
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 353-5885; Fax: (202) 305-0275
E-mail: alexis.romero@usdoj.gov

Counsel for Defendants

/s/ Sara Ghafouri (with permission)
Sara Ghafouri (OSB # 111021)
American Forest Resource Council
700 N.E. Multnomah, Suite 320
Portland, OR 97232
503-222-9505 Fax: 503-222-3255
Email: sghafouri@amforest.org

Counsel for Intervenor-Defendants